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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,291	10/30/2003	Shell S. Simpson	200209563-1	2553

7590 06/02/2005

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EXAMINER

BEATTY, ROBERT B

ART UNIT PAPER NUMBER

2852

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,291

Applicant(s)

SIMPSON ET AL.

Examiner

Robert Beatty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 17-24 is/are allowed.
- 6) ☒ Claim(s) 9-15, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 24-26 are objected to because of the following informalities:

in claims 24-26, the use of the word "bundling" as a step is awkward;

in claims 24-26, the separate steps should not be capitalized but should be indented.

in claim 26, last two lines, it is unclear how one determines whether to perform a print operation based on "at least one character printed in MICR font" since the image is not printed yet.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-11,13,25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Warbus et al.

Warbus et al. teach a printer having exchangeable developing cartridges ES1 and ES2. The developing cartridge ES1 stores magnetic (MICR) toner and the other developing cartridge ES2 stores non-magnetic toner. A microprocessor-controlled chip CP is arranged on the developing cartridge along with an EEPROM. The EEPROM stores operation data including the type of toner (MICR toner or non-magnetic toner data flag) and their associated operation parameters (col.6, lines 27-

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54). In col.6, line 59 - col.7, line 10, Warbus et al. calls for step of testing whether magnetic printing is authorized for a particular print operation and if not authorized or if the wrong developing cartridge is installed, to inhibit the print operation. That is, if an image is to be printed with magnetic toner than it is determined that the correct developing cartridge is installed and that the print job is requiring a magnetic toner.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 12,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warbus et al. in view of Hatasa et al.

Warbus et al. taught supra discloses most of what is claimed except that the memory can be a ROM, RAM, or flash memory. Hatasa et al. teach an image forming apparatus having a replaceable cartridge 100 with a flash memory 135 attached so as to store relevant information about the cartridge (par. 55-56). In paragraphs 84-86, it states that the memory can be a RAM or ROM also. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a flash, RAM or ROM type memory instead of the EEPROM because

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these are known devices in the art for storing data regarding a replaceable cartridge and each has specific benefits over the other depending on the operators preference.

4. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 1-8, 17-24 are allowable over the prior art of record.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

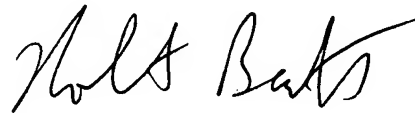
Barry et al., Matsuzaka et al., and Simonoff discuss various replaceable cartridges using MICR toner. JP# '149 and EPA '195 discuss fonts stored in memories attached to replaceable units storing MICR toner however, the applicant's filing data precedes these publishing dates.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Beatty whose telephone number is (571) 272-2130. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley, can be reached on (571) 272-2136. The fax

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phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read "Robert Beatty". The signature is fluid and cursive, with the first name "Robert" and last name "Beatty" clearly distinguishable.

Robert Beatty
Primary Examiner
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May 31, 2005